



COMMITTEE OF ADJUSTMENT AGENDA

Monday, June 23rd, 2025 – 5:00 p.m.
Municipal Office – Council Chambers – 217 Harper Road

Chair, Larry Sparks

1. CALL TO ORDER

2. AMENDMENTS/APPROVAL OF AGENDA

*Suggested Motion by Richard Schooley/Larry Sparks:
“THAT, the agenda be adopted as presented.”*

**3. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST
AND GENERAL NATURE THEREOF**

4. APPROVAL OF MINUTES

- i) **Committee of Adjustment Meeting – May 26th, 2025 - *attached, page 6.***

*Suggested Motion by Larry Sparks/Richard Schooley:
“THAT, the minutes of the Committee of Adjustment meeting held May 26th,
2025, be approved as circulated.”*

5. INTRODUCTION

- The purpose of this meeting is to hear application for Minor Variance:
 - **Pearson**
 - **Taylor**
 - **Schmidt**
- The Committee is charged with making a decision on the applications on the agenda. The decision will be based on both oral and written input received and understandings gained.
- The Planner will provide a brief overview of the details of the file. The applicant will then be given an opportunity to explain the need for the variance. Then, any person or public body, in opposition and then in favour, to the application will be heard.

- If you wish to be notified of the decision of the Committee of Adjustment in respect to the below listed application(s), you must submit a written request to the Secretary-Treasurer of the Committee of Adjustment at planningassistant@tayvalleytwp.ca
- The Secretary/Treasurer must provide notice of the Committee's decision to all those who request a copy.

6. APPLICATIONS

- i) **FILE #:** **MV24-13 - Pearson – *attached, page 11.***
2847 Narrows Locks Road
Part Lot 19, Concession 5
Geographic Township of North Burgess

- (a) PLANNER FILE REVIEW
- (b) APPLICANT COMMENTS
- (c) ORAL & WRITTEN SUBMISSIONS
- (d) DECISION OF COMMITTEE

*Recommended Decision by Richard Schooley/Peter Siemons:
 “THAT, in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application MV24-13 is approved, to allow a variance from the requirements of Sections 3.19.1 and 3.19.3 (Second Dwelling Unit and Second Dwelling) of Zoning By-Law 2002-121, for the lands described as 2847 Narrows Locks Road, Part Lot 19, Concession 5, in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-020-31200:*

- *To permit a second dwelling to be constructed that is connected to a separate water supply and septic from the principal dwelling.*
- *To permit a second dwelling to be separated 78m (255 ft) from the principal dwelling rather than the maximum 12m permitted.”*

- ii) **FILE #:** **MV25-05 – Taylor – *attached, page 25.***
528 Otty Lake SW Shore Road
Part Lots 6, Concession 7
Geographic Township of North Burgess

- (e) PLANNER FILE REVIEW
- (f) APPLICANT COMMENTS
- (g) ORAL & WRITTEN SUBMISSIONS

(h) DECISION OF COMMITTEE

*Recommended Decision by Peter Siemons/Richard Schooley:
“THAT, in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application MV25-05 is approved, to allow a variance from the requirements of Section 3.29 (Water Setback) and Section 3.30 (Yard and Water Setback Encroachments) of Zoning By-Law 2002-121, for the lands described as 528 Otty Lake SW Shore Road, Part Lot 6, Concession 7, in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-010-10400:*

- *To permit a water setback for a cottage of 18.9m on its east side and 23m on its west side instead of the required 30m.*
- *To permit a deck encroachment on the east side of 3m instead of the 2m permitted and a deck encroachment of 4m on the west side instead of the 2m permitted.*
- *To permit a deck to be 59m² rather than 28m².*

***AND THAT,** the owners enter into a Site Plan Control Agreement prepared by the Township.”*

iii) **FILE #:** **MV25-08 - Schmidt – attached, page 40.**
2304 Crozier Road A
Part Lots 1, Concession 1
Geographic Township of North Burgess

- (i) PLANNER FILE REVIEW
- (j) APPLICANT COMMENTS
- (k) ORAL & WRITTEN SUBMISSIONS
- (l) DECISION OF COMMITTEE

*Recommended Decision by Richard Schooley/Peter Siemons:
“THAT, in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application MV25-08 is approved, to allow a variance from the requirements of Section 3.12.4 (Non-Conforming Uses and Non-Complying Uses, Building and Structures) of Zoning By-Law 2002-121, for the lands described as 2304 Crozier Road A, Part Lot 1 Concession 1, in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-015-02800;*

- *To permit replacement of a non-conforming sewage disposal system at a 20m water setback rather than the 30m required.*

AND THAT, the owners enter into a *Site Plan Control Agreement* prepared by the Township.”

7. NEW/OTHER BUSINESS

None.

8. ADJOURNMENT

MINUTES

COMMITTEE OF ADJUSTMENT MINUTES

Monday, May 26th, 2025

5:00 p.m.

Tay Valley Municipal Office – 217 Harper Road, Perth, Ontario
Council Chambers

ATTENDANCE:

Members Present: Chair, Larry Sparks
Richard Schooley

Members Absent: Peter Siemons

Staff Present: Noelle Reeve, Planner
Allison Playfair, Secretary/Treasurer

Applicants/Agents Present: None

Public Present: Ken Wright

1. CALL TO ORDER

The Chair called the meeting to order at 5:00 p.m.
A quorum was present.

2. AMENDMENTS/APPROVAL OF AGENDA

The Agenda was adopted as presented.

3. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST AND GENERAL NATURE THEREOF

None at this time.

4. APPROVAL OF MINUTES

i) Committee of Adjustment Meeting – March 31st, 2025.

The minutes of the Committee of Adjustment meeting held on March 31st, 2025, were approved as circulated.

5. INTRODUCTION

The Chair welcomed the attendees. The Planner then provided an overview of the Minor Variance application review process to be followed, including:

- the mandate and responsibilities of the Committee
- a review of available documentation
- the rules of natural justice, the rights of persons to be heard and to receive related documentation on request and the preservation of persons' rights.
- the flow and timing of documentation and the process that follows this meeting
- any person wanting a copy of the decision regarding this/these application(s) should leave their name and mailing address with the Secretary/Treasurer.

The Planner advised that this Committee of Adjustment is charged with making a decision on the applications tonight during this public meeting. The decision will be based on both the oral and written input received and understandings gained.

Based on the above, the Committee has four decision options:

- Approve – with or without conditions
- Deny – with reasons
- Defer – pending further input
- Return to Township Staff – application deemed not to be minor

The agenda for this meeting included the following application(s) for Minor Variance:

MV25-04 – Lanark County, Part Park Lots 2,3&4, Concession 2, geographic Township of Bathurst.

6. APPLICATIONS

7. FILE #: MV25-04 – Lanark County

a) PLANNER FILE REVIEW

Planner reviewed the file and Power Point in the agenda package. The Planner noted that the relief for the west side yard setback is sought to permit a 2.5m setback instead of the required 6m for a replacement emergency generator for Lanark Lodge.

The Planner advised the Committee members that the Township had completed a pre-consultation with the Town of Perth about the location of the generator as the application is on the border of the Town of Perth.

During the pre-consultation the Engineer provided a noise study that showed the decibel level of the generator running would sound like a car going by.

The Planner also clarified that the emergency generator would only run once a month to test and when it was needed for an emergency.

b) APPLICANT COMMENTS

None.

c) ORAL & WRITTEN SUBMISSIONS

In response to a question from a member of the public, the Planner clarified the proposed location of the emergency generator on the survey that was included in the PowerPoint.

d) DECISION OF COMMITTEE

RESOLUTION #COA-2025-06

MOVED BY: Richard Schooley

SECONDED BY: Larry Sparks

“THAT, in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application MV24-10 is approved, to allow a variance from the requirements of Section 3.1.2 (General Provisions) of Zoning By-Law 2002-121, for the lands legally described as 115 Christie Lake Road, in the geographic Township of Bathurst, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-916-015-18900:

- To permit a west side yard setback of 2.5m for an accessory structure (emergency generator) instead of the 6m required;

AND THAT, the owners update the Site Plan Control Agreement to reflect the new location of the generator.”

ADOPTED

8. NEW/OTHER BUSINESS

None.

9. ADJOURNMENT

The meeting adjourned at 5:26 p.m.

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APPLICATION

Committee of Adjustment

June 23rd 2025

Noelle Reeve, Planner

APPLICATION MV24-13

Pearson

2847 Narrows Locks Road, Concession 5, Part Lot 19
Geographic Township of North Burgess

SUMMARY OF PROPOSAL

Purpose and Effect: To seek relief from Sections 3.19.1 and 3.19.3 (Second Dwelling Unit and Second Dwelling) of Zoning By-Law 2002-121, as amended, as follows:

- To permit a second dwelling to be constructed that is connected to a separate water supply and septic from the principal dwelling.
- To permit a second dwelling to be separated 78m (255 ft) from the principal dwelling rather than the maximum 12m permitted.

The effect of the variance is to permit a second dwelling to have its own water supply and septic system. The variance would also allow the second dwelling to be located at a distance of 78m (255 ft) from the principal dwelling, rather than the maximum 12 m permitted.

The request may be considered minor in nature.

REVIEW COMMENTS

The property is located at 2847 Narrows Locks Road. The lot is 9.2 ha (22.91 acres) and contains a dwelling and a large storage shed. The property is designated Rural and Provincially Significant Wetlands, and residential uses are permitted. The property is zoned Rural and second dwellings are permitted.

The Zoning By-Law relief is required to permit the proposed second dwelling to be located more than the 12m from the primary dwelling permitted by Section 3.19.3 and to not have a shared septic system or well as are required by Section 3.19.1. These provisions were introduced by NovaTech Engineers and it is proposed in the Zoning By-Law update that these requirements be removed.

Provincial Policy Statement

No concerns. Chapter 2 Building Homes, Sustaining Strong and Competitive Communities, Chapter 4: Wise Use and Management of Resources – 4.1 Natural Heritage and 4.2 Water and Chapter 5 Protecting Public Health and Safety – 5.2 Natural Hazards – 5.2.1 are satisfied as the proposed second unit is to be located 80m from the buffer of the Provincially Significant Wetland.

County Sustainable Community Official Plan

No Concerns. Section 3.3.3.1 Rural Area Land Use Policies Objectives are to: ensure development is consistent with rural service levels; to maintain the distinct character of rural, waterfront and settlement areas; and to ensure that development is compatible with natural heritage.

Official Plan

The subject land is designated Rural, Provincially Significant Wetlands (PSW) and PSW buffer in the Official Plan, and residential uses are permitted in the proposed location.

Zoning By-Law

The property is zoned Rural and Environmental Protection and a dwelling and additional dwelling unit are permitted uses. Current lot coverage is 0.60% and with the proposed additional dwelling unit remains 0.60%, well under the 20% permitted in the Rural zone.

The application can be considered minor in impact as the proposed location greater than 12m from the existing dwelling and proposed separate septic system have no material impact on the property and these clauses are proposed to be removed in the next update to the Zoning By-Law.

The proposal is also desirable and appropriate development of the lands in question, and it is a permitted use.

CIRCULATION COMMENTS

Rideau Valley Conservation Authority – The RVCA was not circulated as no development is proposed within a Natural Hazard, with the PSW or its buffer or near a waterbody.

Mississippi Rideau Septic System Office (MRSSO) – Applicant is applying for a new septic system.

Public – None at the time of the report.

SITE PLAN CONTROL AGREEMENT

A Site Plan Control Agreement is not required for this application. The secondary dwelling will be located well outside the Provincially Significant Wetland Regulated area.

RECOMMENDATION

That the Minor Variance be granted for relief from the requirements of Sections 3.19.1 and 3.19.3 (Second Dwelling Unit and Second Dwelling) of Zoning By-Law 2002-121, as amended, as follows:

- To permit a second dwelling to be constructed that is connected to a separate water supply and septic from the principal dwelling.

- To permit a second dwelling to be separated 78m (255 ft) from the principal dwelling rather than the maximum 12m permitted.

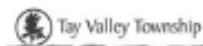
because the general intent and purpose of the *Official Plan* and *Zoning By-law* are maintained; further, that the variance is desirable for the appropriate development of the lands and can be considered minor. As such, the application meets the tests of the *Planning Act*.

Pearson Minor Variance

Public Notice

Pursuant to the Planning Act, Notice of Public Hearing is to be provided a minimum of 10 days for a Minor Variance to the Zoning By-law. Notice was duly given by posting at the nearest public road and delivering to adjacent property owners within 60 metres of the location. Notice was also given to public agencies as required.

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1

Pearson Minor Variance

Ontario Land Tribunal

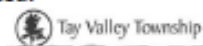
Only the applicant, the Minister or a specified person or public body that has an interest in the matter may appeal the decision to the Ontario Land Tribunal. A "specified person" does not include an individual or a community association.

Please be cautioned that the Ontario Land Tribunal may dismiss all or part of an appeal without holding a hearing if the reasons set out in the appeal do not refer to land use planning grounds offended by the decision, the appeal is not made in good faith or is frivolous or vexatious or made only for the purpose of delay.

The Tribunal may also dismiss the appeal if the appellant did not make oral submission at the public meeting or did not make written submission before the plan or amendment were adopted.

If you choose to appeal, you must submit written reasons, the prescribed fee and any other background material requested.

2



2

Pearson Minor Variance

Decision Process

- based on both the oral and written input received and understanding gained
- four key factors:
 - ✓ Is the application generally in keeping with the intent of the Township's Official Plan?
 - ✓ Is the application generally in keeping with the intent of the Township's Zoning By-laws?
 - ✓ Is it desirable and appropriate development and use of the site?
 - ✓ Is it minor in nature and scope?
- four decision options:
 - ? Approve – with or without conditions
 - ? Deny – with reasons
 - ? Defer – pending further input
 - ? Return to Township Staff – application deemed not to be minor

3



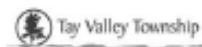
3

Pearson Minor Variance

Hearing Process

- The Planner will review the application and present her comments plus those of the Conservation Authority, Septic System Office, and any public comments received
- The Applicant may provide additional details or clarification
- Any members of the public may contribute comments or questions
- The Committee members will discuss and decide
- The Notice of Decision will be signed

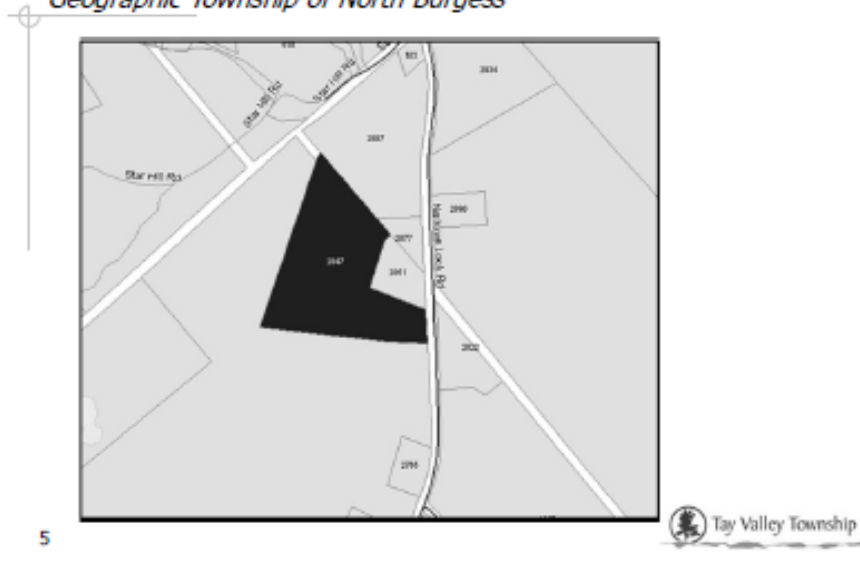
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Pearson

2847 Narrows Locks Road, Part Lots 19, Concession 5
Geographic Township of North Burgess



5

Pearson - Proposal

The Minor Variance application seeks relief from Sections 3.19.1 and 3.19.3 (Second Dwelling Unit and Second Dwelling) of Zoning By-Law 2002-121, as amended, as follows:

- To permit a second dwelling to be constructed that is connected to a separate water supply and septic from the principal dwelling.
- To permit a second dwelling to be separated 78m (255 ft) from the principal dwelling rather than the maximum 12m permitted.

The effect of the variance is to permit a second dwelling to have its own water supply and septic system. The variance would also allow the second dwelling to be located at a distance of 78m (255 ft) from the principal dwelling, rather than the maximum 12 m permitted.

6



6

Pearson - Proposal

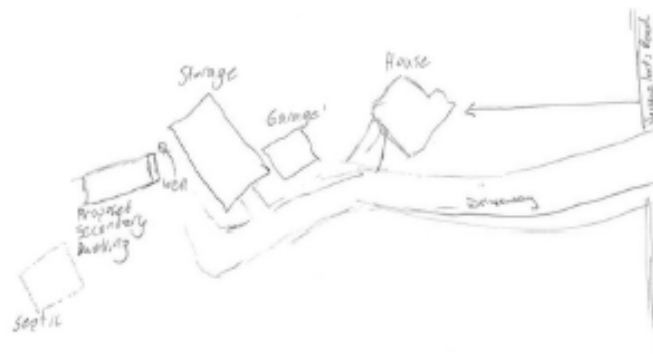
- The property is located at 2847 Narrows Locks Road. The lot is 9.2 ha (22.91 acres) and contains a dwelling and a large storage shed.
- A Site Plan Control Agreement is not required for the property.

7

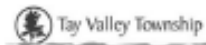


7

Pearson Site Drawing



8



8

Pearson Photo



9

9

Pearson Comments

Rideau Valley Conservation Authority (RVCA)

The RVCA was not circulated as no development is proposed within a Natural Hazard, within the Provincially Significant Wetland or its buffer, or near a waterbody.

10

10

Pearson Comments

Mississippi Rideau Septic System Office (MRSSO)

- Applicant is applying for a new septic system as is indicated on the Site Drawing.

11



11

Pearson Provincial Planning Statement

- No concerns.
- Chapter 2 Building Homes, Sustaining Strong and Competitive Communities, Chapter 4: Wise Use and Management of Resources – 4.1 Natural Heritage and 4.2 Water and Chapter 5 Protecting Public Health and Safety – 5.2 Natural Hazards – 5.2.1 are satisfied as the proposed second unit is to be located 80m from the buffer of the Provincially Significant Wetland.

12



12

Pearson

County Sustainable Communities Official Plan

- No Concerns. Section 3.3.3.1 Rural Area Land Use Policies Objectives are to: ensure development is consistent with rural service levels; to maintain the distinct character of rural, waterfront and settlement areas; and to ensure that development is compatible with natural heritage.

13



13

Pearson

Official Plan

- The subject land is designated Rural, Provincially Significant Wetlands (PSW) and PSW buffer in the Official Plan, and residential uses are permitted in the proposed location.

14



14

Pearson Zoning By-law

- The property is zoned Rural Environmental Protection and a dwelling and additional dwelling unit are permitted uses.

15



15

Pearson Official Plan & Zoning Test

Is the application generally in keeping with the intent of the Township's Official Plan & Zoning By-Law?

- Yes. Current lot coverage is 0.6% and with the proposed additional dwelling unit remains 0.6%, well under the 20% permitted in the Rural zone.

16



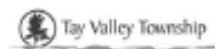
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Pearson Development & Use Test

Is it desirable and appropriate development for the use of the site?

- The proposal is also desirable and appropriate development of the lands in question, and it is a permitted use.

17



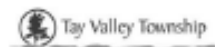
17

Pearson "Minor" Test

Is it minor in nature and scope?

- The application can be considered minor in impact as the proposed location greater than 12m from the existing dwelling and proposed separate septic system have no material impact on the property and these clauses are proposed to be removed in the next update to the Zoning By-Law.

18



18

Pearson Site Plan Control Agreement

- A Site Plan Control Agreement is not required for this application. The secondary dwelling will be located well outside the Provincially Significant Wetland regulated area.

19



19

Pearson Public Comments

- No comments were received at the time of the report.
- Members of the public are welcome to speak to the application at this meeting.

20



20

Pearson Recommendation

That the Minor Variance be granted for relief from the requirements of Sections 3.19.1 and 3.19.3 (Second Dwelling Unit and Second Dwelling) of Zoning By-Law 2002-121, as amended, as follows:

- To permit a second dwelling to be constructed that is connected to a separate water supply and septic from the principal dwelling.
- To permit a second dwelling to be separated 78m (255 ft) from the principal dwelling rather than the maximum 12m permitted.

because the general intent and purpose of the Official Plan and Zoning By-law are maintained; further, that the variance is desirable for the appropriate development of the lands and can be considered minor. As such, the application meets the tests of the Planning Act.

21



21

Pearson Resolution

Recommended Decision:

"THAT, in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application MV24-13 is approved, to allow a variance from the requirements of Sections 3.19.1 and 3.19.3 (Second Dwelling Unit and Second Dwelling) of Zoning By-Law 2002-121, for the lands legally described as 2847 Narrows Locks Road, Part Lot 19, Concession 5, in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-020-31200:

- *To permit a second dwelling to be constructed that is connected to a separate water supply and septic from the principal dwelling.*
- *To permit a second dwelling to be separated 78m (255 ft) from the principal dwelling rather than the maximum 12m permitted."*

22



22

Committee of Adjustment

June 23, 2025

Noelle Reeve, Planner

APPLICATION MV25-05

Greg Taylor

528 Otty Lake SW Shore Road, Concession 7, Part Lot 6
Geographic Township of North Burgess

SUMMARY OF PROPOSAL

Purpose and Effect: To seek relief from Section 3.29 (Water Setback) and Section 3.30 (Yard and Water Setback Encroachments) of Zoning By-Law 2002-121, as amended, as follows:

- To permit a water setback for a cottage of 18.9m on its east side and 23m on its west side instead of the required 30m.
- To permit a deck encroachment on the east side of 3m instead of the 2m permitted and a deck encroachment of 4m on the west side instead of the 2m permitted.
- To permit a deck to be 59m² rather than 28m².

The effect of the variance is to allow an existing cottage to be raised for a walkout basement and an addition on the east side. A peninsula on the lot means the cottage meets the 30m water setback on the south side, but not on the east and west sides. The deck on the west side would be the roof of the carport and would encroach 2m more than the 2m permitted on the west side (total projection of 4m) and 1m more along the south side (total of 3m).

REVIEW COMMENTS

The property is located at 528 Otty Lake South West Shore Road. The lot is 2,509m² (0.62 acres) with approximately 112.7m (370ft) water frontage including a peninsula and contains a cottage.

Provincial Policy Statement

No concerns. Chapter 2 Building Homes, Sustaining Strong and Competitive Communities recognizes cottages as a use. Chapter 4: Wise Use and Management of Resources – 4.1 Natural Heritage and 4.2 Water will be met through a Site Plan Control Agreement which will provide protection of the shoreline and can be used to retain the naturalization of the property. Chapter 5 Protecting Public Health and Safety – no natural hazards.

County Sustainable Community Official Plan

No concerns. Section 3.3.3.1 Rural Area Land Use Policies Objectives are to: ensure development is consistent with rural service levels; to maintain the distinct character of rural,

waterfront and settlement areas; and to ensure that development is compatible with natural heritage. A Site Plan Control Agreement will meet these requirements.

Official Plan

The subject land is designated Rural in the Official Plan, and residential uses are permitted.

The updated Official Plan contains new provisions relating to water quality protection.

The requirements of Sections 3.2.5 Waterfront Development, 3.2.7 Preservation of Vegetation, 3.2.11 Subwatershed Plans for the protection of water quality will be met through Site Plan Control. Additionally, permits are required from the RVCA for work within 15m of the shoreline.

The owner has reached out to the RVCA for assistance to address infiltration and erosion of his shoreline in front of the cottage.

Zoning By-Law

The property is zoned Seasonal Residential (RS) and a cottage is a permitted use. The applicant has applied for a Zoning Amendment to rezone the property to Residential Limited Services (RLS) to allow a year-round use but needed the variance now to begin construction before the Fall. Current lot coverage is 5.2% and with the proposed addition to the cottage the lot coverage will be 7.2%. This meets the 10% maximum lot coverage permitted.

The existing shipping container used as a shed will be moved from its location to 30m from water. The outhouse will be decommissioned, and the existing holding tank will be replaced with a septic system 30m from water. These measures combined with the Site Plan Control Agreement, will produce a net environmental gain.

The application can be considered minor in impact as the lot coverage is met, the water setback is met from the south side of the cottage but cannot be met from the east and west sides due to the shape of the shoreline. The addition can be considered minor as it will be farther away from the water (at a setback of approximately 28m). The deck area and encroachment relief can be considered minor as they reflect the roof a proposed carport.

The proposal is also desirable and appropriate development of the lands in question as it is permitted use. In addition, a Site Plan Control Agreement will be registered on the subject property to maintain and enhance vegetation.

CIRCULATION COMMENTS

Rideau Valley Conservation Authority (RVCA) – No objections.

Any development activity and/or site alteration proposed within RVCA's regulated area (within 15 metres of a watercourse/waterbody) will require a permit from our office in accordance with Ontario Regulation 41/24: Prohibited Activities, Exemptions and Permits.

The following condition should be included in the Site Plan Control Agreement:

- Roof runoff shall be collected and directed on-site and away from slopes, into natural or constructed leaching pits and/or rain barrels to provide the greatest infiltration of surface runoff. Runoff should not outlet directly towards the lake. Other Low Impact Development (LID) techniques should be used to deal with runoff from the hardened building surfaces (roofs, walkways, deck, driveways, etc).

Mississippi Rideau Septic System Office (MRSSO) – The applicant has submitted a Class 4 septic system application to the MRSSO for the dwelling to replace a holding tank.

Public – None at the time of the report.

SITE PLAN CONTROL AGREEMENT

A Site Plan Control Agreement containing the recommendations of the RVCA is proposed to enhance protection of the water quality and shoreline of Otty Lake. Any recommendations for shoreline restoration will be included also.

RECOMMENDATION

That the Minor Variance be granted for relief from the requirements of Section 3.29 (Water Setback) and Section 3.30 (Yard and Water Setback Encroachments) of Zoning By-Law 2002-121, as amended, as follows:

- To permit a water setback for a cottage of 18.9m on its east side and 23m on its west side instead of the required 30m.
- To permit a deck encroachment on the east side of 3m instead of the 2m permitted and a deck encroachment of 4m on the west side instead of the 2m permitted.
- To permit a deck to be 59m² to be used as the roof of a carport rather than 28m² permitted.

because the general intent and purpose of the *Official Plan* and *Zoning By-law* are maintained; further, that the variance is desirable for the appropriate development of the lands and can be considered minor. As such, the application meets the tests of the *Planning Act*.

And that the owners enter into a Site Plan Control Agreement prepared by the Township.

Taylor Minor Variance

Public Notice

Pursuant to the Planning Act, Notice of Public Hearing is to be provided a minimum of 10 days for a Minor Variance to the Zoning By-law. Notice was duly given by posting at the nearest public road and delivering to adjacent property owners within 60 metres of the location. Notice was also given to public agencies as required.

1



1

Taylor Minor Variance

Ontario Land Tribunal

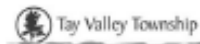
Only the applicant, the Minister or a specified person or public body that has an interest in the matter may appeal the decision to the Ontario Land Tribunal. A "specified person" does not include an individual or a community association.

Please be cautioned that the Ontario Land Tribunal may dismiss all or part of an appeal without holding a hearing if the reasons set out in the appeal do not refer to land use planning grounds offended by the decision, the appeal is not made in good faith or is frivolous or vexatious or made only for the purpose of delay.

The Tribunal may also dismiss the appeal if the appellant did not make oral submission at the public meeting or did not make written submission before the plan or amendment were adopted.

If you choose to appeal, you must submit written reasons, the prescribed fee and any other background material requested.

2



2

Taylor Minor Variance

Decision Process

- based on both the oral and written input received and understanding gained
- four key factors:
 - ✓ Is the application generally in keeping with the intent of the Township's Official Plan?
 - ✓ Is the application generally in keeping with the intent of the Township's Zoning By-laws?
 - ✓ Is it desirable and appropriate development and use of the site?
 - ✓ Is it minor in nature and scope?
- four decision options:
 - ? Approve – with or without conditions
 - ? Deny – with reasons
 - ? Defer – pending further input
 - ? Return to Township Staff – application deemed not to be minor

3



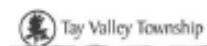
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Taylor Minor Variance

Hearing Process

- The Planner will review the application and present her comments plus those of the Conservation Authority, Septic System Office, and any public comments received
- The Applicant may provide additional details or clarification
- Any members of the public may contribute comments or questions
- The Committee members will discuss and decide
- The Notice of Decision will be signed

4



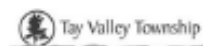
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Taylor

528 Otty Lake SW Shore Road, Part Lot 6, Concession 7
Geographic Township of North Burgess



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Taylor- Proposal

The Minor Variance application seeks relief from Section 3.29 (Water Setback) and Section 3.30 (Yard and Water Setback Encroachments) of Zoning By-Law 2002-121, as amended, as follows:

- To permit a water setback for a cottage of 18.9m on its east side and 23m on its west side instead of the required 30m.
- To permit a deck encroachment on the east side of 3m instead of the 2m permitted and a deck encroachment of 4m on the west side instead of the 2m permitted.
- To permit a deck to be 59m² rather than 28m².

The effect of the variance is to allow an existing one storey cottage on piers to be replaced with a one storey cottage with a walkout basement and an addition on the east side. A point on the lot means the cottage meets the 30m water setback on the south side, but not on the east and west sides. The deck on the west side would be the roof of the carport and would encroach 2m more than the 2m permitted on the west side (4m total) and 1m more along the south side (3m total).

6

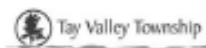


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Taylor - Proposal

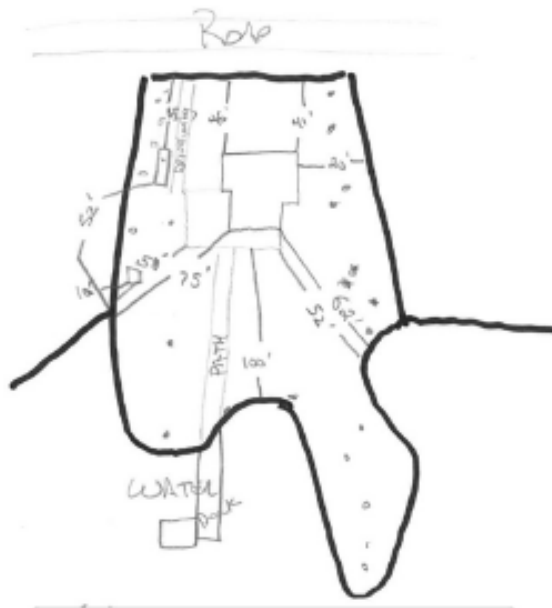
- The property is located at 528 Otty Lake South West Shore Road. The lot is 2,509m2 (0.62 acres) with approximately 112.7m (370ft) water frontage including a peninsula and contains a cottage.

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Taylor Site Drawing



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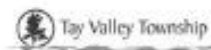


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Taylor Photos



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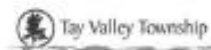


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Taylor Photos



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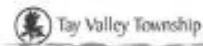


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Taylor Photos



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Taylor Comments

Rideau Valley Conservation Authority (RVCA)

- No objections.
- Any development activity and/or site alteration proposed within RVCA's regulated area (within 15 metres of a watercourse/waterbody) will require a permit from our office in accordance with Ontario Regulation 41/24: Prohibited Activities, Exemptions and Permits.
- The following condition should be included in the Site Plan Control Agreement:
 - Roof runoff shall be collected and directed on-site and away from slopes, into natural or constructed leaching pits and/or rain barrels to provide the greatest infiltration of surface runoff. Runoff should not outlet directly towards the lake. Other Low Impact Development (LID) techniques should be used to deal with runoff from the hardened building surfaces (roofs, walkways, deck, driveways, etc).

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Taylor Comments

Mississippi Rideau Septic System Office (MRSSO)

- The applicant has submitted a Class 4 septic system application to the MRSSO for the dwelling.

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Taylor Provincial Planning Statement

- No concerns.
- Chapter 2 Building Homes, Sustaining Strong and Competitive Communities recognizes cottages as a use. Chapter 4: Wise Use and Management of Resources – 4.1 Natural Heritage and 4.2 Water will be met through a Site Plan Control Agreement which will provide protection of the shoreline and can be used to retain the naturalization of the property. Chapter 5 Protecting Public Health and Safety – no natural hazards.

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Taylor County Sustainable Communities Official Plan

- No Concerns.
- Section 3.3.3.1 Rural Area Land Use Policies
Objectives are to: ensure development is consistent with rural service levels; to maintain the distinct character of rural, waterfront and settlement areas; and to ensure that development is compatible with natural heritage. A Site Plan Control Agreement will meet these requirements.

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Taylor Official Plan

- The subject land is designated Rural in the Official Plan, and residential uses are permitted in the proposed location.
- The updated Official Plan contains new provisions relating to water quality protection.
- The requirements of Sections 3.2.5 Waterfront Development, 3.2.7 Preservation of Vegetation, 3.2.11 Subwatershed Plans for the protection of water quality will be met through Site Plan Control. Additionally, permits are required from the RVCA for work within 15m of the shoreline.
- The owner has reached out to the RVCA for assistance to address infiltration and erosion of his shoreline in front of the cottage.

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Taylor Zoning By-law

- The property is zoned Seasonal Residential (RS) and a cottage is a permitted use.
- The applicant has also applied for a Zoning Amendment to rezone the property to Residential Limited Services (RLS) to allow a year-round use but needs the variance now to begin construction before the Fall.
- The existing shipping container used as a shed will be moved from its location to 30m from water. The outhouse will be decommissioned, and the existing holding tank will be replaced with a septic system 30m from water. These measures combined with the Site Plan Control Agreement, will produce a net environmental gain.

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Taylor Official Plan & Zoning Test

Is the application generally in keeping with the intent of the Township's Official Plan & Zoning By-Law?

- Yes. Current lot coverage is 5.2% and with the proposed addition and deck, the lot coverage will be 7.2%. This meets the 10% maximum lot coverage permitted.

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Taylor Development & Use Test

Is it desirable and appropriate development for the use of the site?

- The proposal is also desirable and appropriate development of the lands in question as it is permitted use. In addition, a Site Plan Control Agreement will be registered on the subject property to maintain and enhance vegetation.

19



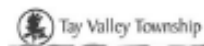
19

Taylor "Minor" Test

Is it minor in nature and scope?

- The application can be considered minor in impact as the lot coverage is met, the water setback is met from the south side of the cottage but cannot be met from the east and west sides due to the shape of the shoreline.
- The addition can be considered minor as it will be farther from the water than the cottage (at a setback of approximately 28m). The deck area and encroachment relief can be considered minor as they reflect the roof of a proposed carport.

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Taylor Site Plan Control Agreement

- A Site Plan Control Agreement containing the recommendations of the RVCA is proposed to enhance protection of the water quality and shoreline of Otty Lake.
- Any recommendations for shoreline restoration will be included also.

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Taylor Public Comments

- No comments were received at the time of the report.
- Members of the public are welcome to speak to the application at this meeting.

22



22

Taylor Recommendation

That the Minor Variance be granted for relief from the requirements of Section 3.29 (Water Setback) and Section 3.30 (Yard and Water Setback Encroachments) of Zoning By-Law 2002-121, as amended, as follows:

- To permit a water setback for a cottage of 18.9m on its east side and 23m on its west side instead of the required 30m.
- To permit a deck encroachment on the east side of 3m instead of the 2m permitted and a deck encroachment of 4m on the west side instead of the 2m permitted.
- To permit a deck to be 59m² rather than 28m².

because the general intent and purpose of the Official Plan and Zoning By-law are maintained; further, that the variance is desirable for the appropriate development of the lands and can be considered minor. As such, the application meets the tests of the Planning Act.

And that the owner enter into a Site Plan Control Agreement prepared by the Township.

23



23

Taylor Resolution

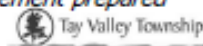
Recommended Decision:

"THAT, in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application MV25-03 is approved, to allow a variance from the requirements of Section 3.29 (Water Setback) and Section 3.30 (Yard and Water Setback Encroachments) of Zoning By-Law 2002-121, for the lands legally described as 528 Otty Lake SW Shore Road, Concession 7, Part Lot 6, in the geographical Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-010-10400;

- *To permit a water setback for a cottage of 18.9m on its east side and 23m on its west side instead of the required 30m.*
- *To permit a deck encroachment on the east side of 3m instead of the 2m permitted and a deck encroachment of 4m on the west side instead of the 2m permitted.*
- *To permit a deck to be 59m² rather than 28m².*

AND THAT, the owners enter into a Site Plan Control Agreement prepared by the Township."

24



24

Committee of Adjustment

June 23rd, 2025

Noelle Reeve, Planner

APPLICATION MV25-08

Schmidt

2304 Crozier Road A, Concession 1, Part Lot 1
Geographic Township of South Sherbrooke

SUMMARY OF PROPOSAL

Purpose and Effect: To seek relief from Section 3.12.4 (Non-Conforming Uses and Non-Complying Uses, Building and Structures) of Zoning By-Law 2002-121, as amended, as follows:

- To permit replacement of a non-conforming sewage disposal system at a 20m water setback rather than the 30m required.

The effect of the variance is to permit a holding tank to be replaced with a septic system 20m from Bob's Lake.

REVIEW COMMENTS

The property is located at 2304 Crozier Road A. The lot is 0.42ha (1.04 acres) with approximately 41m (135 ft) water frontage and contains a cottage and a shed.

Provincial Planning Statement

No concerns. Chapter 2 Building Homes, Sustaining Strong and Competitive Communities, Chapter 4: Wise Use and Management of Resources –4.2 Water and Chapter 5 Protecting Public Health and Safety –are satisfied as the replacement septic system will be 20m from Bob's Lake and a Site Plan Control Agreement will be completed for protection of the shoreline and can be used to maintain naturalization of the property.

County Sustainable Community Official Plan

No Concerns. Section 3.3.3.1 Rural Area Land Use Policies Objectives are to: ensure development is consistent with rural service levels; to maintain the distinct character of rural, waterfront and settlement areas; and to ensure that development is compatible with natural heritage.

Official Plan

The subject land is designated Rural in the Official Plan, and residential uses are permitted.

The updated Official Plan contains new provisions relating to water quality protection.

The requirements of Sections 3.2.5 Waterfront Development, 3.2.7 Preservation of Vegetation, 3.2.11 Subwatershed Plans for the protection of water quality will be met through Site Plan Control. Additionally, permits are required from the RVCA for work within 15m of the shoreline.

Zoning By-Law

The property is zoned Seasonal Residential and a cottage is a permitted use. Total lot coverage for the existing cottage and shed is 2.5%, meeting the 10% permitted and 1.9% is well under the permitted 12% Floor Space Index.

The application can be considered minor in impact as the lot coverage is met and the holding tank is being replaced with a class 4 septic system which is not closer to Bob's Lake than the previous location.

The proposal is also desirable and is appropriate for the development of the land in question as it is for a replacement septic disposal system.

CIRCULATION COMMENTS

Rideau Valley Conservation Authority (RVCA) – No objections. If any development activity and/or site alteration is being proposed within RVCA's regulated area (within 15 metres of a watercourse/waterbody), a permit is required from our office in accordance with *Ontario Regulation 41/24: Prohibited Activities, Exemptions and Permits*.

Mississippi Rideau Septic System Office (MRSSO) – MRSSO identified the property would require a planning application as the septic will not meet the required 30m water setback and there was not a previous Site Plan Control Agreement approving the location of the existing holding tank. They have applied for a new class 4 system.

Public – None at the time of the report.

SITE PLAN CONTROL AGREEMENT

Section 3.12.4 (Replacement of Non-Complying Sewage Disposal Systems) of the Comprehensive Zoning By-Law requires a Site Plan Control Agreement for replacement of a non-complying sewage disposal system, when a replacement system is located less than 30m from water.

RECOMMENDATION

That, the Minor Variance be granted for relief from the requirements of Section 3.12.4 (Non-Conforming Uses and Non-Complying Uses, Building and Structures) of Zoning By-Law 2002-121, as amended, as follows:

- To permit replacement of a non-conforming sewage disposal system at a 20m water setback rather than the 30m required.

because the general intent and purpose of the *Official Plan* and *Zoning By-law* are maintained; further, that the variance is desirable for the appropriate development of the lands and can be considered minor. As such, the application meets the tests of the *Planning Act*.

And that, the owners enter into a Site Plan Control Agreement prepared by the Township.

Schmidt Minor Variance

Public Notice

Pursuant to the Planning Act, Notice of Public Hearing is to be provided a minimum of 10 days for a Minor Variance to the Zoning By-law. Notice was duly given by posting at the nearest public road and delivering to adjacent property owners within 60 metres of the location. Notice was also given to public agencies as required.

1



1

Schmidt Minor Variance

Ontario Land Tribunal

Only the applicant, the Minister or a specified person or public body that has an interest in the matter may appeal the decision to the Ontario Land Tribunal. A "specified person" does not include an individual or a community association.

Please be cautioned that the Ontario Land Tribunal may dismiss all or part of an appeal without holding a hearing if the reasons set out in the appeal do not refer to land use planning grounds offended by the decision, the appeal is not made in good faith or is frivolous or vexatious or made only for the purpose of delay.

The Tribunal may also dismiss the appeal if the appellant did not make oral submission at the public meeting or did not make written submission before the plan or amendment were adopted.

If you choose to appeal, you must submit written reasons, the prescribed fee and any other background material requested.

2



2

Schmidt Minor Variance

Decision Process

- based on both the oral and written input received and understanding gained
- four key factors:
 - ✓ Is the application generally in keeping with the intent of the Township's Official Plan?
 - ✓ Is the application generally in keeping with the intent of the Township's Zoning By-laws?
 - ✓ Is it desirable and appropriate development and use of the site?
 - ✓ Is it minor in nature and scope?
- four decision options:
 - ? Approve – with or without conditions
 - ? Deny – with reasons
 - ? Defer – pending further input
 - ? Return to Township Staff – application deemed not to be minor

3



3

Schmidt Minor Variance

Hearing Process

- The Planner will review the application and present her comments plus those of the Conservation Authority, Septic System Office, and any public comments received
- The Applicant may provide additional details or clarification
- Any members of the public may contribute comments or questions
- The Committee members will discuss and decide
- The Notice of Decision will be signed

4



4

Schmidt

2304 Crozier Road A, Part Lot 1, Concession 1
Geographic Township of North Burgess



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5

Schmidt- Proposal

The Minor Variance application seeks relief from Section 3.12.4 (Non-Conforming Uses and Non-Complying Uses, Building and Structures) of Zoning By-Law 2002-121, as amended, as follows:

- To permit replacement of a non-conforming sewage disposal system at a 20m water setback rather than the 30m required.

The effect of the variance is to permit a holding tank to be replaced with a septic system 20m from Bob's Lake.

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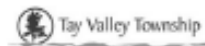


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Schmidt - Proposal

- Located at 2304 Crozier Road A. The lot is 0.42ha (1.04 acres) with approximately 41m (135 ft) water frontage and contains a cottage and a shed.
- A Site Plan Control Agreement will be required.

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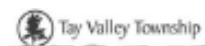


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Schmidt Site Drawing



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Schmidt Photos



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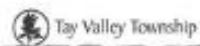
Schmidt Comments

Rideau Valley Conservation Authority (RVCA)

RVCA has no objections.

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10



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Schmidt Comments

Mississippi Rideau Septic System Office (MRSSO)

- MRSSO identified the property would require a planning application as the septic will not meet the required 30m water setback and there was not a previous Site Plan Control Agreement approving the location of the existing holding tank. The owner has applied for a new class 4 system.

11



11

Schmidt Provincial Planning Statement

- No concerns.
- Chapter 2 Building Homes, Sustaining Strong and Competitive Communities, Chapter 4: Wise Use and Management of Resources –4.2 Water and Chapter 5 Protecting Public Health and Safety –are satisfied as the replacement septic system will be 20m from Bob's Lake and a Site Plan Control Agreement will be completed for protection of the shoreline and can be used to maintain naturalization of the property.

12



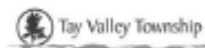
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Schmidt

County Sustainable Communities Official Plan

- No Concerns.
- Section 3.3.3.1 Rural Area Land Use Policies
Objectives are to: ensure development is consistent with rural service levels; to maintain the distinct character of rural, waterfront and settlement areas; and to ensure that development is compatible with natural heritage. A Site Plan Control Agreement will meet these requirements.

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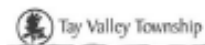


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Schmidt Official Plan

- The subject land is designated Rural in the Official Plan, and residential uses are permitted.
- The updated Official Plan contains new provisions relating to water quality protection.
- The requirements of Sections 3.2.5 Waterfront Development, 3.2.7 Preservation of Vegetation, 3.2.11 Subwatershed Plans for the protection of water quality will be met through Site Plan Control.
- Permits are required from RVCA for work within 15m of the shoreline.

14



14

Schmidt Zoning By-law

- The property is zoned Seasonal Residential and a cottage is a permitted use.

15



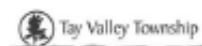
15

Schmidt Official Plan & Zoning Test

Is the application generally in keeping with the intent of the Township's Official Plan & Zoning By-Law?

- Yes. Total lot coverage for the existing cottage and shed is 2.5%, meeting the 10% permitted and 1.9% is well under the permitted 12% Floor Space Index.

16



16

Schmidt Development & Use Test

Is it desirable and appropriate development for the use of the site?

- The proposal is also desirable and is appropriate for the development of the land in question as it is for a replacement septic disposal system.

17



17

Schmidt "Minor" Test

Is it minor in nature and scope?

- The application can be considered minor in impact as the lot coverage is met and the holding tank is being replaced with a class 4 septic system which is slightly farther from Bob's Lake than the previous location.

18



18

Schmidt Site Plan Control Agreement

- Section 3.12.4 (Replacement of Non-Complying Sewage Disposal Systems) of the Comprehensive Zoning By-Law requires a Site Plan Control Agreement for replacement of a non-complying sewage disposal system, when a replacement system is located less than 30m from water.

19



19

Schmidt Public Comments

- No comments were received at the time of the report.
- Members of the public are welcome to speak to the application at this meeting.

20



20

Schmidt Recommendation

That, the Minor Variance be granted for relief from the requirements of Section 3.12.4 (Non-Conforming Uses and Non-Complying Uses, Building and Structures) of Zoning By-Law 2002-121, as amended, as follows:

- To permit replacement of a non-conforming sewage disposal system at a 20m water setback rather than the 30m required.

because the general intent and purpose of the Official Plan and Zoning By-law are maintained; further, that the variance is desirable for the appropriate development of the lands and can be considered minor. As such, the application meets the tests of the Planning Act.

And that, the owners enter into a Site Plan Control Agreement prepared by the Township.

21



21

Schmidt Resolution

Recommended Decision:

"THAT, in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application MV25-08 is approved, to allow a variance from the requirements of Section 3.12.4 (Non-Conforming Uses and Non-Complying Uses, Building and Structures) of Zoning By-Law 2002-121, for the lands legally described as 2304 Crozier Road A, Part Lot 1 Concession 1, in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-015-02800;

- *To permit replacement of a non-conforming sewage disposal system at a 20m water setback rather than the 30m required.*

AND THAT, the owners enter into a Site Plan Control Agreement prepared by the Township."

22



22